

**SENIOR RESIDENCE**

**SPECIAL PERMIT RULES AND REGULATIONS**



**PLANNING BOARD**

**TOWN OF ACTON**

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## **APPENDIX**

Application for a SENIOR RESIDENCE Special PERMIT

Notice of Public Hearing

Development Impact Report (Form DIR)

## SECTION 1

### GENERAL PROVISIONS

#### 1.1 Authority

These Rules are adopted by the Planning Board as authorized by MGL Chapter 40A and the Acton Zoning Bylaw.

#### 1.2 Purpose

The purpose of these Rules is to establish uniform procedures for conducting the business of the Board under its jurisdiction as a Special Permit Granting Authority for Senior Residence Special Permits.

#### 1.3 Applicability

Any person applying for a Senior Residence Special Permit under the Bylaw (Senior Residence), whether or not governed by any other federal, state, or local regulations, laws, permits, variances, approvals, or programs, shall comply with the provisions of these Rules.

#### 1.4 Definitions

Defined terms are capitalized in these Rules.

AFFORDABLE SENIOR RESIDENCE	For the purposes of this document, the term AFFORDABLE SENIOR RESIDENCE shall refer to DWELLING UNITS, which are restricted to sale, lease or rental (1) to SENIORS within specific income and asset limitations, and (2) at specific price limits, both in accordance with provisions set forth in any State or Federal rental assistance programs, subsidy programs for reducing mortgage payments, or other programs that provide for affordable housing for low and moderate income SENIORS, and that are in effect at the time that the project application is made to the Planning Board.
APPLICANT	Any person or such person's authorized representative who files an APPLICATION for a PERMIT under the BYLAW.
APPLICATION	All plans, forms, reports, studies or other documents which are submitted to the BOARD under these RULES by an APPLICANT.
BOARD	The Planning Board of the Town of Acton.
BYLAW	The Zoning Bylaw of the Town of Acton, as amended.
DECISION	Action by the BOARD on an APPLICATION.
DWELLING UNIT	A portion of a BUILDING designed as the residence of one FAMILY.
PARTIES IN INTEREST	The APPLICANT; abutters; owners of land directly opposite on any private or public STREET or way; and abutters to the abutters within three hundred feet of the property line of the APPLICANT as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town; the Acton Planning Board; and the Planning Board of every abutting city or town.
PERMIT	A SENIOR RESIDENCE Special PERMIT under the BYLAW.

<b>RULES</b>	The SENIOR RESIDENCE Special PERMIT Rules and Regulations as contained herein.
<b>SENIOR</b>	An individual who is 55 years of age or older.
<b>SENIOR RESIDENCE</b>	Independent living accommodation(s) for individual(s) who are 55 years of age or older, their spouse(s), and other persons living with the SENIOR as the BOARD may allow in the PERMIT.
<b>TOWN</b>	The Town of Acton.

Other Definitions - Refer to the "Definitions" section of the Subdivision Rules and Regulations and the BYLAW for additional defined terms which are also capitalized when used in these RULES.

### **1.5 Coordination with SUBDIVISION & Other Special Permit Review**

In the case where the SENIOR RESIDENCE requires approval under the SUBDIVISION CONTROL LAW or other Special Permits from the BOARD, the APPLICANT shall submit the applications for the Definitive SUBDIVISION Plan and other Special Permits concurrently with its APPLICATION for a PERMIT hereunder. To the extent permitted by law, the BOARD shall consider the APPLICATIONS at the same time.

### **1.6 Waiver of RULES**

Strict compliance with these RULES may be waived if the BOARD finds that the waiver is in the public interest or is irrelevant to the project, and is consistent with the intent and purpose of the BYLAW and these RULES and when applicable, the Town of Acton SUBDIVISION Rules and Regulations.

Any request from an APPLICANT for a waiver of these RULES must be submitted, in writing, to the BOARD at the time of submission of the APPLICATION. Such requests must clearly identify the provision(s) of the RULES from which relief is sought and be accompanied by a statement setting forth the reasons why, in the APPLICANT'S opinion, the granting of such a waiver would be in the public interest or the specific information required is irrelevant to the project, and why a waiver would be consistent with the intent and purpose of the BYLAW and these RULES and with the Town Meeting approval of the SENIOR RESIDENCE.

### **1.7 Provision of Security**

The BOARD may require in its DECISION that security be posted with the TOWN in such form and amount as is required by the BOARD to secure the satisfactory completion of all or any part of the work authorized under a PERMIT. The form of security shall be generally as required in the Town of Acton Subdivision Rules and Regulations.

### **1.8 Advice from TOWN Staff**

Any advice, opinion, or information given to the APPLICANT by a BOARD member or by any agency, official, or employee of the TOWN shall be considered advisory only and not binding on the BOARD.

### **1.9 Amendments to the RULES**

The RULES may be amended by a majority vote of the BOARD in a public meeting.

## **SECTION 2**

### **PRELIMINARY REVIEW**

#### **2.1 Preliminary Consultations**

Consultations between a prospective APPLICANT and the professional staff of the TOWN prior to the filing of an APPLICATION under these RULES with the BOARD are strongly recommended and can prevent serious delays in the processing of the final APPLICATION.

Any action or communication initiated by the APPLICANT prior to the filing of an APPLICATION with the Town Clerk and the BOARD shall not constitute a PERMIT APPLICATION. The following RULES shall apply to such preliminary consultations.

#### **2.2 Form of Request**

All materials to be reviewed shall be provided in electronic PDF format to the Planning Department including a letter requesting a review with the name, address, and phone number of a person who may be contacted concerning the review. All correspondence and communication must be sent through the Planning Department or a copy of said communication must be provided to the Planning Department.

#### **2.3 Scope of TOWN Staff Reviews**

The TOWN staff will review preliminary materials in an attempt to avoid unnecessary technical deficiencies in the final APPLICATION and to promote efficiency in the formal review process. Staff will limit their review of such materials to technical issues appropriate to their area of expertise and to assessments of whether the project in question adequately addresses major issues of concern to the TOWN and the neighborhood. In general, staff will complete the preliminary review within 30 days. Staff will not be responsible for assuring the thoroughness, completeness, or correctness of any final APPLICATION. It is the responsibility of the APPLICANT to assure that any APPLICATION to the BOARD is complete and accurate.

Through the preliminary review process staff will make recommendations for any fee waivers or additional deposits that may be appropriate. Note that substantial changes in the project may require the alteration of these recommendations at the time of final submission. In all cases APPLICANTS shall contact the Planning Department prior to the final submission to discuss these fees.

If any other Special Permits are required from the BOARD for the project, then these should be discussed with the staff at this time.

#### **2.4 Fees**

The first such preliminary review by staff of an APPLICATION shall be free of charge. Subsequent preliminary reviews shall require payment of a fee by the prospective APPLICANT of \$500 at the time of submission. The fee shall be submitted in check form and made payable to "Town of Acton". However, in the case of Preliminary Subdivision Plan, see Subdivision RULES and Regulations for applicable fees.

## **SECTION 3**

### **CONTENTS OF AN APPLICATION**

An APPLICATION for a PERMIT which lacks information or is incomplete in any manner may be denied or seriously delayed. It is the responsibility of the APPLICANT to assure the accuracy and completeness of all information submitted to the BOARD as part of an APPLICATION. The APPLICANT shall be responsible for factually supporting all points relied upon in the APPLICATION including references for methodologies used in design calculations.

Except as otherwise noted, a complete APPLICATION for a PERMIT shall be made in electronic PDF format together with 2 paper copies and shall include the information listed in this section 3 and all its subsections, and, where applicable, the information listed in section 4.

Changes made during the course of the APPLICATION review process, and requests for amendments of previously issued PERMITS and approved SENIOR RESIDENCE site plans shall be submitted in the same manner as above with changes and amendments clearly identified.

If the SENIOR RESIDENCE requires the filing of a SUBDIVISION plan under the SUBDIVISION CONTROL LAW, certain requirements of this section may be waived in view of equivalent information submitted with the SUBDIVISION plan. Consult with the Planning Department staff during the preliminary review regarding appropriate filing arrangements

#### **3.1 APPLICATION Form**

Any APPLICATION for a PERMIT shall be made in writing and include the completed APPLICATION form entitled "Application for a SENIOR RESIDENCE Special Permit" attached to these RULES and also available from the office of the BOARD at Town Hall.

- 3.1.1 In the case where the APPLICANT is a person other than the record owner of the property, the APPLICANT shall obtain the owner's signature on this form indicating that the owner has knowledge of and consents to the APPLICATION.
- 3.1.2 If the APPLICANT is acting in the name of a trust, corporation or company, an authorizing vote shall be attached.

#### **3.2 Development Impact Report**

A completed Development Impact Report (see Appendix - Form DIR).

#### **3.3 Certified Abutters List**

List of the PARTIES IN INTEREST as defined in these RULES, taken from the most recent tax list of the TOWN and certified by the Town Assessor. The APPLICANT shall pay any charges required by the Town Assessor for the list.

#### **3.4 USE Description**

Detailed description of the existing and proposed USES including the proposed distribution of the various land USES; the proposed diversity and approximate cost range for the DWELLING UNITS; and the proposed USES and form of ownership of the Common Land and any improvements proposed thereon. The APPLICANT shall declare whether or not the proposed USES within the SENIOR RESIDENCE are expected to generate, store, use, or dispose of HAZARDOUS MATERIALS OR WASTES. Activities on the site must comply with the TOWN'S Hazardous Materials Control Bylaw.

### **3.5 Age Restrictions**

Draft Restrictive Documents including deed restrictions and contractual agreements which restrict the SENIOR RESIDENCES to occupancy by SENIORS as defined by BYLAW section 9B.11.

### **3.6 AFFORDABLE SENIOR RESIDENCE Documentation**

#### **3.6.1 Written Statement**

A written statement indicating the proposed method(s) and extent of providing AFFORDABLE SENIOR RESIDENCES, and the corresponding increase in proposed DWELLING UNITS.

#### **3.6.2 Restrictive Documents**

Draft Restrictive Documents including deed restrictions and contractual agreements which restrict the AFFORDABLE SENIOR RESIDENCES to occupancy by LOW INCOME or MODERATE INCOME households at the time of the original sale or rental and at the time of a resale or re-rental, and any other restrictions and covenants designed to insure initial and long-term affordability of the AFFORDABLE SENIOR RESIDENCES, in accordance with the requirements of the BYLAW.

#### **3.6.3 Subsidy Arrangements**

A written statement identifying any proposed governmental subsidy arrangements.

#### **3.6.4 Development Pro Forma**

Where the density bonus option of the BYLAW is used, complete a development pro forma including an indication of all costs to buyers and renters of AFFORDABLE SENIOR RESIDENCES.

#### **3.6.5 Selection Criteria**

The proposed methods of selecting purchasers and tenants of AFFORDABLE SENIOR RESIDENCES including the methodology for local preference as required by the BYLAW.

#### **3.6.6 Construction Schedule**

A proposed development construction schedule indicating the timing and/or sequence of construction of AFFORDABLE SENIOR RESIDENCES and market rate units.

#### **3.6.7 Tabulations**

A table showing the proposed BUILDINGS by type and size (number of bedrooms), total number of SENIOR RESIDENCES, total number of AFFORDABLE SENIOR RESIDENCES, total number of SENIOR RESIDENCES for handicapped persons, percentages of the various USES and any other information that may be necessary to demonstrate compliance with the BYLAW.

#### **3.6.8 Developer Information**

Developer's information including a full resume and references for completed projects which are similar to the project being proposed.

### **3.7 Ownership & Maintenance of Common Land**

A draft copy of the proposed deed(s) and other instruments which shall be recorded at the Middlesex South Registry of Deeds or the Land Court which shall include the following:



- 3.7.1 Legal description of the Common Land which is to be conveyed to a corporation, trust, or non-profit organization;
- 3.7.2 Statement of the purpose for which the Common Land is intended to be used and the restrictions on its USE and future transfer of title or alienation in accordance with the requirements of the BYLAW;
- 3.7.3 The type and name of the corporation, trust or non-profit organization which will own, manage and maintain the Common Land and any improvements thereon;
- 3.7.4 If the Common Land is to be conveyed to a corporation or trust consisting of property owners within the SENIOR RESIDENCE, include a description of the ownership or beneficial interest in the corporation or trust of each owner of a property in the SENIOR RESIDENCE and a provision that such ownership or beneficial interest shall be appurtenant to the dwelling to which it relates and shall not be conveyed or encumbered separately therefrom;
- 3.7.5 Provisions for the number, term of office, and the manner of election to office, removal from office and the filling of vacancies in the office of directors and officers of the corporation or non-profit organization or trustees of the trust;
- 3.7.6 Procedures for the conduct of the affairs and business of the corporation, non-profit organization or trust including provision for the calling and holding of meetings of members and directors and officers of the corporation or non-profit organization or beneficiaries and trustees of the trust and provision for quorum and voting requirements for action to be taken;
- 3.7.7 Provision for the management, maintenance, operation, improvement and repair of the Common Land and any improvements thereon, including provisions for obtaining and maintaining adequate insurance and levying and collecting from the property owners' common charges to pay for expenses associated with the Common Land, including real estate taxes. It shall be provided that common charges are to be allocated among the dwelling owners in proportion to their ownership or beneficial interests in the corporation, non-profit organization or trust, and that each dwelling owner's share of the common charge shall be a lien against his real estate in the SENIOR RESIDENCE which shall have priority over all other liens with the exception of municipal liens and first mortgages of record; and
- 3.7.8 The method by which such instrument or instruments may be amended.

### **3.8 Other Permits and Variances**

List and copies of variances, permits, and other special permits previously issued by other TOWN boards or State and Federal agencies, and a list of any variances or permits required to complete the proposed work. This list should include but not be limited to any permits from the Board of Health, the Conservation Commission, the Board of Appeals, the Planning Board, the State Dept. of Public Works, the Army Corp. of Engineers, and the State Dept. of Environmental Protection; and certificates issued by the Secretary of Environmental Affairs under the Massachusetts Environmental Policy Act.

NOTE: If any other special permits are required from the BOARD, the APPLICANT is hereby strongly advised to make the applications for such additional permits concurrently with this PERMIT APPLICATION.

### **3.9 Recorded Plans and Deeds**

A copy of the most recently recorded plan(s) and deed(s) for the LOT(s) on which the work will take place bearing the book number(s), page number(s), and date(s) of recording(s) or registration(s).

### **3.10 Letter Authorizing Entry and Completion of Improvements by Town**

A letter authorizing TOWN representatives to enter on the SENIOR RESIDENCE to complete the STREETS and WAYS, services and other aspects of the plan or plans for which the APPLICANT seeks a PERMIT, if the developer does not complete them according to his obligations.

### **3.11 Mortgage Holders**

A list of mortgage holders which shall be kept current during the period of development.

### **3.12 Drainage Calculations**

Storm drainage runoff calculations used for the drainage system design must be prepared by and display the seal of a Registered Professional Engineer and must support the sizing of all drainage structures and pipes. These calculations must be based on a recognized standard method (usually the Rational or Soil Conservation Service Methods). The calculations must contain a written summary explaining the rationale of the design so that a lay person can understand the basic design approach and its validity for the site in question. Furthermore, the calculations should be fully documented including copies of charts or other reference sources to make review possible. The pre- and post- development runoff rates must be provided. If applicable, the methods used to comply with the "Stormwater Runoff" design standards of the BYLAW shall be described. The use of computer generated reports is acceptable; however, the source of the software should be identified. Design of the storm drainage system can generally be based on a 10-year storm event; however, the system design shall not result in serious flood hazards during a 100-year storm.

### **3.13 Earth Removal Calculations**

Calculations for determining the amount of earth to be removed or the amount of FILL to be brought to the site shall be prepared by and show the seal of a Registered Professional Engineer.

### **3.14 Water Balance Calculations**

The portion of the site in each GROUNDWATER Protection District Zone shall be noted. A hydrologic water balance calculation for pre- and post-development conditions based on annual precipitation that quantifies evapotranspiration, runoff, recharge, and septic flow shall be included. Compliance with all applicable portions of Sect. 4.3 of the BYLAW shall be demonstrated.

### **3.15 Traffic Study**

A traffic impact study may or may not be required depending on the BOARD'S assessment of the circumstances at or near the development site. However, a traffic impact study will be required for all APPLICATIONS where the proposed USES will, in the opinion of the BOARD, be likely to produce an average of 400 additional trip ends per weekday based on the most recent edition of the Institute of Transportation Engineers' publication Trip Generation. To avoid lengthy delays in the processing of an APPLICATION, consultations should be made by the APPLICANT with the Planning Department during the preliminary review process to determine the scope of the traffic impact study. In general, a traffic study shall examine and include the following:

- 3.15.1 EXISTING TRAFFIC CONDITIONS including roadway geometries, traffic volumes, safety, delays, and levels of service for roads and intersections (whether in Acton or another town) affected by the proposed SENIOR RESIDENCE.
- 3.15.2 TRAFFIC GENERATION ESTIMATES of future traffic conditions including trip generation, trip distribution, volume to capacity ratios, and levels of service for existing roads and intersections (whether in Acton or another town) affected by the proposed SENIOR RESIDENCE at the time of anticipated completion and 5 years beyond anticipated completion. Impacts of other previously approved projects and of projects pending approval shall be taken into consideration (consult the Planning Department for list of such projects). Approach and departure route assignments shall be based on existing traffic patterns, minimum time paths, "journey to work" data, market studies, or a combination thereof. All traffic information shall include data for both AM and PM peak hours, weekend peaks, as well as average daily data. Sight distances for turning movements to and from the SENIOR RESIDENCE as well as within the SENIOR RESIDENCE must be analyzed using AASHTO (American Association of State Highway and Transportation Officials) standards. The adequacy of vehicular queuing storage at the SENIOR RESIDENCE entrances shall also be demonstrated. The impact of any planned phasing of the project shall be discussed.
- 3.15.3 MITIGATION MEASURES that could be taken to reduce the impacts of the proposed SENIOR RESIDENCE and their estimated cost. These should include capacity enhancements such as added turn lanes, signalization, and improvements to intersections and medians. The traffic study shall make specific proposals for mitigation measures to be implemented by the APPLICANT. The potential for driveway connections to neighboring LOTS must be explored. The study should take into account those improvements that are planned and/or currently implemented by the TOWN or the State, and any proposed improvements must be consistent with the TOWN'S Master Plan.

### **3.16 SENIOR RESIDENCE Site Plan**

The SENIOR RESIDENCE site plan with the form and contents as set forth below shall be submitted in electronic PDF and scalable CADD formats and registered to the Massachusetts State Plane Coordinate System, plus 3 full size plans printed on 24" x 36" sheets and 11 copies thereof reduced to fit legibly on 11"x17" or 8.5"x11" sheets.

A SENIOR RESIDENCE site plan shall be legibly drawn to fully detail and explain the intentions of the APPLICANT. SENIOR RESIDENCE site plans shall be drawn at a standard scale (1 inch = 20, 40, or 50 feet) except when noted otherwise. All plans shall include a reasonable numbering system for LOTS, BUILDINGS and DWELLING UNITS. Each plan sheet shall feature a north arrow, a legend identifying any representative symbols used on the sheet in question, an appropriate title block in the lower right hand corner, and the seal of a Registered Professional Engineer, Registered Land Surveyor, Registered Landscape Architect, Registered Professional Architect, or some combination of these as appropriate to the data on the sheet. Topography and all elevations shall be referenced to the National Geodetic Vertical Datum of 1929 with the location and elevation of the starting bench mark plus at least two additional temporary bench marks on the site.

The individual components of the SENIOR RESIDENCE site plan (i.e. Master Plan, Natural Features and Existing Conditions Plan, etc.) may be presented on one or more plan sheets as necessary to present clear and legible plans. Match lines shall be placed in plan locations that feature a minimum of information. Sufficient overlap between plan sheets shall be provided to permit easy reading of plans across match lines. Unless other arrangements are made with TOWN staff during the preliminary review process, the SENIOR RESIDENCE site plan shall consist of the following:

3.16.1 A Title Sheet showing:

- 3.16.1.1 A locus map showing an area a minimum of one mile diameter at a scale of 1" = 1200' with major STREETS, BUILDINGS, brooks, streams, rivers and other landmarks shown with sufficient clarity to show the relationship of the SENIOR RESIDENCE to the community, its facilities and major features.
- 3.16.1.2 The general layout of the SENIOR RESIDENCE drawn to a scale suitable to fit the entire development onto the title sheet and showing existing and proposed approximate layouts of STREETS and WAYS, LOT boundary lines, LOT numbers, existing STREET names and identification of proposed STREETS and WAYS, areas to be developed, Common Land, other common areas and areas to be left undeveloped within the SENIOR RESIDENCE boundaries, and all zoning district boundaries within or adjacent to the site.
- 3.16.1.3 Names and addresses of the owner of record, the subdivider, the engineer and the land surveyor, the book and page number of the recording of the deed or the Land Court certificate.

3.16.2 A Master Plan drawn at a scale of not smaller than 1" = 100' showing:

- 3.16.2.1 The proposed layout of the LOTS and boundaries of the SENIOR RESIDENCE with ownership of abutting properties indicated.
- 3.16.2.2 The proposed layout of the Common Land in the SENIOR RESIDENCE.
- 3.16.2.3 The proposed location of BUILDINGS and STRUCTURES and the distribution of various proposed land USES.
- 3.16.2.4 The proposed LOT numbers and STREET numbers.
- 3.16.2.5 Access and utility easements.
- 3.16.2.6 All zoning district boundaries, including the boundaries of the AFFORDABLE Housing Overlay, Flood Plain and GROUNDWATER Protection Districts, if applicable, shown in their proper location.
- 3.16.2.7 Access STREETS or WAYS to the SENIOR RESIDENCE including intersections with existing STREETS, and access driveways and intersections within 200 feet of the access driveways or STREETS serving the SENIOR RESIDENCE, with centerline offsets dimensioned.
- 3.16.2.8 Location of all parking lots, walkways, fire lanes, waterways, wetlands, and proposed drainage facilities.
- 3.16.2.9 A table showing the legal requirements and the proposed dimensions or calculations to easily determine compliance of the SENIOR RESIDENCE as a whole with the requirements for TRACT OF LAND area, unit density, percentage of affordable units, percent of Common Land, percent of total wetlands on Common Land, the number of parking spaces, and any other information that may be necessary to demonstrate compliance with the BYLAW.
- 3.16.2.10 The proposed boundaries of each development phase.

3.16.3 A Record Plan suitable for recording at the Middlesex South Registry of Deeds or the Land Court showing:

- 3.16.3.1 The name of the SENIOR RESIDENCE, names of STREETS and ways within the SENIOR RESIDENCE and immediately adjacent to the SENIOR RESIDENCE, SENIOR RESIDENCE perimeter and LOT boundaries, Common Land boundaries, north point, date, scale and legend and the TOWN Atlas Map and Parcel Number(s).
- 3.16.3.2 Names and addresses of the owner(s) of record, and the APPLICANT, the engineer and land surveyor, the book and page number(s) of the recording of the deed(s) or the Land Court certificate(s).
- 3.16.3.3 Location of abutting property lines with ownership indicated.
- 3.16.3.4 All zoning classifications and zoning district boundaries, including the boundaries of the Flood Plain District, AFFORDABLE Housing Overlay District and GROUNDWATER Protection Districts, if applicable, shown in their proper location.
- 3.16.3.5 Sufficient data to easily determine the location, direction, width and length of every STREET line, easement, right of way, WAY or PATH, LOT line and boundary line, and to reproduce these lines on the ground. All bearings shall be true, magnetic or grid, and the north arrow used on the plan shall clearly indicate this.
- 3.16.3.6 House or DWELLING UNIT numbers on each LOT as determined by the Town Engineer, clearly distinguishable from the LOT numbers.
- 3.16.3.7 A clear indication, by proper symbols, markings, dates or other notes, after a thorough search has been made, of permanent monuments or boundary markers as were found in the traverses and/or perimeter surveys, and of wetlands, watercourses and other significant features.
- 3.16.3.8 Sufficient space for the date and the signatures of the BOARD or its designee, and, if the SENIOR RESIDENCE is not a SUBDIVISION under the SUBDIVISION CONTROL LAW, the statement "Approval under the Subdivision Control Law Not Required".
- 3.16.3.9 A statement that the plan is subject to a SENIOR RESIDENCE Special Permit granted by the BOARD with conditions and limitations, dated \_(date)\_, and similar statements with regards to any decisions, appeals, variances and other permits and special permits governing the land or any BUILDINGS or STRUCTURES thereon.
- 3.16.3.10 A reference to all covenants and restrictions applying or relating to the land, and their purpose.

3.16.4 A Natural Features and Existing Conditions Plan showing:

- 3.16.4.1 Site features such as, but not limited to flood plains, wetlands, waterways, drainage courses, ponds, ledge outcroppings, soil characteristics, existing vegetation, scenic vistas, archeological sites, historic sites and BUILDINGS, and any species occurring on the site that is listed by the Massachusetts Natural Heritage Program as endangered, threatened and/or of special concern, or as rare native plants.

- 3.16.4.2 All existing monuments and improvements such as, but not limited to BUILDINGS, STRUCTURES, roads and WAYS, paved areas, stone walls, fences, underground and above ground storage tanks, wastewater disposal systems, and wells; indicate final disposition of any existing BUILDING, STRUCTURE and other improvements, whether they are to remain or to be removed (on separate sheets if necessary).
- 3.16.4.3 Existing contours of the land shown at two (2) foot intervals, and at one (1) foot intervals within the Flood Plain District.
- 3.16.4.4 If the SENIOR RESIDENCE is located in ZONES 1, 2 or 3 of the GROUNDWATER Protection District, the contours of the MAXIMUM GROUNDWATER ELEVATION shall be shown in sufficiently close intervals along with the location and results of adequate field investigations, to easily determine compliance with the 'Depth to GROUNDWATER' requirements of the BYLAW.
- 3.16.4.5 All wetlands and wetland buffer area boundaries defined as those areas subject to the provisions of the Wetlands Protection Act, MGL, Chapter 131, Section 40, and the Acton Wetlands Bylaw. The total wetlands acreage shall be shown on the plan.
- 3.16.4.6 The perimeters of all proposed improvements such as, but not limited to BUILDINGS, STRUCTURES, roads and paved areas superimposed on the natural features plan in a faded or screened back mode.
- 3.16.5 A Site Development Plan showing proposed site conditions for the following characteristics (compliance with applicable standards of the BYLAW and the SUBDIVISION Rules shall be demonstrated):
  - 3.16.5.1 Boundaries and area of the SENIOR RESIDENCE and of LOTS within the SENIOR RESIDENCE.
  - 3.16.5.2 All zoning classifications and zoning district boundaries, including the boundaries of the Flood Plain District (with elevations), the AFFORDABLE Housing Overlay District and the GROUNDWATER Protection District, if applicable.
  - 3.16.5.3 Proposed topography at 2-foot intervals, at 1-foot intervals within the Flood Plain District.
  - 3.16.5.4 A table showing the legal requirements and the actually proposed dimensions or calculations to easily determine compliance with the BYLAW.
  - 3.16.5.5 The proposed layout and acreage of each area or parcel of Common Land showing proposed ownership and intended USE.
  - 3.16.5.6 Location of any special site features including, but not limited to waterways, wetlands, bridges, dams, drainage courses, stone walls, archeological sites, historic sites and BUILDINGS with indication of any proposed alterations.
  - 3.16.5.7 All proposed improvements to be located on the Common Land, including but not limited to, BUILDINGS, STRUCTURES, sidewalks, walkways, trails and other recreational facilities; and the total percentage of area they occupy.
  - 3.16.5.8 Location and layout of all proposed STREETS, roads, WAYS, access and interior driveways, walkways, sidewalks, parking lots, fire lanes, loading areas and other

impervious covers with proposed finished grades along the center line or as appropriate, including access STREETS or ways to the SENIOR RESIDENCE and intersections with existing STREETS or ways, and with all dimensions necessary to determine compliance with the BYLAW and SUBDIVISION Rules and Regulations as applicable.

- 3.16.5.9 Any driveway intended to be used as a "common driveway" shall be so identified. The use of common driveways is strongly encouraged. In the case where a common driveway is proposed, the plan must show sufficient detail so that the BOARD may evaluate how the driveway is intended to serve the various sites and USES.
- 3.16.5.10 The size of the largest truck expected to use a site shall be noted and all turning radii must be sufficiently sized to accommodate that size. The smallest size for the design shall be the SU-30 design vehicle so that fire trucks will have adequate maneuvering space.
- 3.16.5.11 Parking spaces identified as either standard size or handicapped parking spaces with a parking space typical for each showing actual dimensions. The location of any signs intended to be used for identification of handicapped parking spaces must be shown.
- 3.16.5.12 Location and outline or footprint of all BUILDINGS or STRUCTURES including garage spaces with finished floor elevation and dimensions.
- 3.16.5.13 Dimensions for BUILDINGS and STRUCTURES setbacks; buffer areas and buffer strips; distances between BUILDINGS; front, side and rear yards; BUILDING heights; and all other dimensions necessary to easily determine compliance with the dimensional requirements of the BYLAW.
- 3.16.5.14 Location of all proposed AFFORDABLE SENIOR RESIDENCES, including those designed for occupancy by persons with disabilities.
- 3.16.5.15 Any areas intended for open (outdoor) storage with purpose identification label and dimensions.
- 3.16.5.16 Any proposed features designed for energy and water conservation and pollution control.
- 3.16.5.17 LOT, BUILDING and DWELLING UNIT numbers.
- 3.16.5.18 All access and utility easements.
- 3.16.5.19 Proposed boundaries of each development phase clearly showing the specific limits of construction for each phase and detailing the work to be accomplished in each phase; interim curbing, pavement and landscaping shall be shown as needed between phases.
- 3.16.5.20 Location and type of stormwater drainage facilities, including notes on the construction materials of any pipes, culverts, catchbasins or any other system component unless clearly depicted on the Construction Details Plan. Sufficient information relating to placement of the drainage system components (rim and invert elevations, pipe slopes, amount of cover, etc.) shall be shown so that the operation of the system can be evaluated. Any retention and/or detention ponds intended to be constructed shall be shown fully dimensioned.

- 3.16.5.21 Location of underground storage tanks for fuel or other chemicals or HAZARDOUS MATERIALS OR WASTE storage, including the tank types, capacities, age and condition.
- 3.16.5.22 Location and type of existing and proposed water services including wells. If the site is to utilize an on-site well, its proposed location must be shown in addition to its setbacks from any BUILDING, STRUCTURE, or wastewater disposal system. If public water services are to be utilized, then the water main which will service the site must be shown and identified.
- 3.16.5.23 All fire hydrants on the site or off the site but within 500' of any BUILDING within the SENIOR RESIDENCE. If no fire hydrants are located within such distance, then a note shall appear clearly explaining how the APPLICANT will provide fire protection to the site. The location of any proposed municipal fire alarm boxes or other warning systems and any proposed fire lanes shall be clearly shown and identified. Any underground conduit for municipal fire alarm connections shall be shown.
- 3.16.5.24 The location and type of any other underground utilities including but not limited to electric, gas, telephone, or cable television services. Any emergency power facilities should also be shown.
- 3.16.5.25 Type and location of any solid waste disposal facilities and appropriate screening of dumpsters.
- 3.16.5.26 Location and perimeter outline of any on or off-site, existing or proposed wastewater treatment and disposal system including any required reserve areas. The type of the wastewater disposal system shall be identified by a simple notation. Actual design and construction specifications for a wastewater disposal system are not required. The proposed location of sewer lines must be shown.
- 3.16.5.27 Plan notes that: 1) forbid the use of FILL containing HAZARDOUS MATERIALS OR WASTE in accordance with the BYLAW; 2) require the marking of the limits of work in the field prior to the start of construction or site clearing; 3) require the cleaning of catchbasin sumps and stormwater basins following construction and annually thereafter; 4) restrict the hauling of earth or construction debris to or from the site to the hours between 9 AM and 4 PM on weekdays if such materials are intended to be removed from or brought to the site; 5) describe the materials to be used in the construction of impermeable surfaces such as sidewalks and driveways (as a minimum, the BOARD requires 12" of gravel and 3" of bituminous concrete paving laid in two courses); 6) make reference to any other design, operation or construction requirements in compliance with these RULES, the BYLAW, and the Acton Subdivision Rules and Regulations.
- 3.16.6 Plan and Profile of STREETS and WAYS showing:
- 3.16.6.1 Design and layout of STREETS and WAYS in conformance with the Acton Subdivision Rules and Regulations
- 3.16.6.2 A horizontal scale of 1" = 40' and a vertical scale of 1" = 4'.
- 3.16.6.3 Existing grades along the center line and both side lines of the STREET or WAY with centerline dimensioned.



- 3.16.6.4 Proposed finished centerline grades with elevations at every 50 foot station, location of vertical curves and gradient of even grades.
- 3.16.6.5 The proposed sidewalk layout.
- 3.16.6.6 Proposed layout of storm drainage system, water supply system, fire hydrants, fire call box system, sewer lines, and all other utilities.
- 3.16.6.7 Identification, location, inverts, slopes, grades, stations and sizes of all utilities and appurtenances.
- 3.16.7 A Construction Details Plan showing:
  - 3.16.7.1 Typical detail of a proposed catch basin, diversion box, emergency slidegate, manhole, headwall, retaining wall, walkway, curbs, ramps, subdrain, waterway, leaching basin, drainage pond, or other similar improvements. In GROUNDWATER Protection District Zones 1, 2, and 3, catchbasins must be precast concrete with gas traps (LeBaron L-219, Neenah 3705, or equivalent), unless the superiority of a different design can be demonstrated. Precast catch basins must show gas traps and construction joints sealed with a minimum of 1" butyl-rubber gas tight sealant or equivalent caulking material.
  - 3.16.7.2 Typical cross section and construction materials of proposed STREETS and WAYS, driveways, walkways, parking and loading areas, and fire lanes.
  - 3.16.7.3 Typical detail of each type of parking space to be used on the site showing the dimensions of the parking space so that compliance with parking area design standards of the BYLAW is evident.
  - 3.16.7.4 Outdoor lighting details.
- 3.16.8 A Landscape Plan showing:
  - 3.16.8.1 General site features such as LOT lines, existing and proposed STRUCTURES, parking areas, curbs, walkways, loading areas, land contours, water bodies, wetlands, streams, ledge outcroppings, and large boulders so that it may be easily related to the other plans.
  - 3.16.8.2 Landscape treatments planned for the site and existing vegetation to be retained.
  - 3.16.8.3 Any area intended to meet parking lot landscaping area requirements of the BYLAW fully dimensioned and its area noted so that compliance with BYLAW requirements may be determined.
  - 3.16.8.4 A planting table with the botanical and common name of each species, its height (at planting), its spread (at maturity) and the quantity intended to be planted, along with the symbols used to represent the plants on the plan.
  - 3.16.8.5 A typical detail of a tree well, tree planting, and specialty planting area if applicable.
  - 3.16.8.6 The limits of work beyond which no disturbance during construction will be permitted; a plan note shall require that the limits of work be staked out at the site and they must be

maintained at all times; in the vicinity of trees the limits of work shall follow the drip line of the trees.

- 3.16.8.7 The perimeter of any existing wooded areas on the site shall be shown; existing wooded areas intended for preservation shall be noted; the location, size, and proposed fate of any existing trees larger than 16" in diameter shall be shown.
- 3.16.8.8 The location of any existing and proposed outdoor lighting installations and signs.
- 3.16.8.9 Proposed boundaries of each development phase clearly showing the specific limits of construction for each phase; interim curbing, pavement and landscaping shall be shown as needed between phases.
- 3.16.9 An Erosion and Sedimentation Control Plan showing:
  - 3.16.9.1 Sediment basins if used.
  - 3.16.9.2 Type of mulching, matting or temporary vegetation.
  - 3.16.9.3 Location of hay bales and siltation control fences.
  - 3.16.9.4 Size and location of land to be cleared at any given time and length of exposure time.
  - 3.16.9.5 Method of covering soil stock piles.
  - 3.16.9.6 Any other methods to be used during construction to control erosion, sedimentation and siltation.
  - 3.16.9.7 Documentation of proper construction and erosion control sequencing from the point of implementation to removal.
- 3.16.10 Architectural Floor and Elevations Plan showing:
  - 3.16.10.1 Floor plans for each floor of each BUILDING whether such BUILDING is existing or proposed; if BUILDINGS will be constructed repetitively a typical floor plan shall suffice. The USE(S) of each BUILDING shall be recorded on the plan. Each residential floor plan must identify the DWELLING UNITS as either AFFORDABLE SENIOR RESIDENCES or market rate SENIOR RESIDENCES and illustrate how all individual residential units are to be combined to form a residential BUILDING, including any accessories to the BUILDING (i.e.: solarium, patio, foyer, etc.). Each DWELLING UNIT in a SENIOR RESIDENCE shall be designed and constructed to be adaptable with only minor structural changes to meet the requirements for Group B residences as set forth in the Massachusetts Building Code, 521CMR, as amended. Each floor plan shall be dimensioned in gross or NET FLOOR AREA. The floor plans shall be drawn at a scale of 1/4" = 1' and shall be prepared by a Registered Professional Architect.
  - 3.16.10.2 BUILDING and STRUCTURE elevations for the front, sides, and rear of each BUILDING which include the proposed architectural treatments to the BUILDING such as roofing, siding, and window materials at an appropriate scale generally not less than 1/8" = 1'. If the elevations are shown on different plan sheets than the floor plans, the elevations plan must be sealed by a Registered Professional Architect and must identify the number and location of the AFFORDABLE SENIOR RESIDENCES and the market rate SENIOR RESIDENCES in each BUILDING.

3.16.10.3 An outline summary in tabular form for each principal residential BUILDING.

### **3.17 Additional Information**

The APPLICATION may contain whatever additional information the APPLICANT feels is necessary to properly inform the BOARD about the development including legal opinions, copies of deeds, historical data, studies, and reports.

The BOARD is empowered by the BYLAW to require information in addition to that specifically required by the BYLAW or by these RULES. The BOARD will require the APPLICANT to supply additional information if it finds that such information is necessary to properly act upon the APPLICATION in question.

## **SECTION 4**

### **FILING PROCEDURES**

#### **4.1 Who May File an APPLICATION?**

Anyone may file an APPLICATION for a PERMIT provided that the TRACT OF LAND proposed for development as a SENIOR RESIDENCE complies with the requirements of the BYLAW. The property owner of record shall sign the APPLICATION form thereby granting his/her consent to the filing of the APPLICATION.

#### **4.2 APPLICATION Fees**

Any APPLICATION shall be accompanied by a fee to cover the expenses incurred by the TOWN in reviewing the APPLICATION. The fee is not refundable. The fee shall be submitted in check form and made payable to the "Town of Acton". If the SENIOR RESIDENCE does not require approval under the SUBDIVISION CONTROL LAW, the fee shall be \$3000.00 plus \$8.00 per linear foot of proposed roadway. If the SENIOR RESIDENCE requires approval under the SUBDIVISION CONTROL LAW, the amount of the fee shall be in accordance with the filing fee requirements of the SUBDIVISION Rules. Part of the filing fee may be waived if the BOARD chooses to have some of the review work performed by outside consultants as provided below.

4.2.1 Additional Review Fee Deposits - So that the BOARD may make the findings required under the BYLAW and insure that the public safety will be protected, the BOARD may select and hire outside traffic, engineering, legal, or planning consultants to review an APPLICATION. To cover the cost of these reviews a review fee deposit may also be required of an APPLICANT at the time of submission or at any appropriate time in the review process. As the scope of study and review will vary according to the size of a particular project, the APPLICANT is hereby strongly advised to consult the Planning Department concerning the scope and cost of any such studies during the preliminary review. Failure to do so could result in serious delays in the processing of the APPLICATION. The amount of the fee deposit will reflect the anticipated consultant fee(s) plus 10%. Note that some projects may require additional fees to cover further study if significant impacts or problems are found in the initial review. Any amount of the deposits remaining after the issuance of Building Permits for the proposed construction plus any remaining accrued interest will be repaid to the APPLICANT or the APPLICANT'S successor in interest.

4.2.2 Appeal from the Selection of the Consultants - The APPLICANT may appeal from the selection of an outside review consultant to the Board of Selectmen. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications of an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field. The APPLICANT must specify the specific grounds which the APPLICANT claims constitute a conflict of interest or a failure to meet minimum professional requirements.

#### **4.3 Submission to the Town Clerk and the BOARD**

Two complete paper copies of the APPLICATION shall be submitted to the office of the Acton Town Clerk. The Clerk will certify the date and time of filing on both copies, keep one of the copies, and return the other to the APPLICANT. The copy returned by the

Clerk, the remaining 2 copies of full size plan, the 11 reduced size plan copies, and the required fees shall then be filed forthwith by the APPLICANT with the office of the BOARD during normal business hours. The APPLICANT may request and shall be entitled to a written receipt for the materials submitted.

#### **4.4 Review of APPLICATION**

The BOARD will transmit a copy of an APPLICATION to various other TOWN departments, boards, committees, agencies, or independent consultants in order to ensure full and qualified review of the APPLICATION. Thirty-five (35) days will be provided for such reviews; failure to submit comments on the APPLICATION shall be deemed an approval by the reviewing party. The BOARD will make available to the APPLICANT upon request a copy of any comments or recommendations received.

If significant information that was not included in the APPLICATION is presented at a later time or at the public hearing, the hearing may be continued to allow for staff review of the new material. Additional materials shall be submitted to the Board in the same manner and form as the original APPLICATION.

## **SECTION 5**

### **PUBLIC HEARING & DECISION**

#### **5.1 Public Hearing Notice**

The BOARD will hold a public hearing within 65 days of the APPLICATION filing date. Pursuant to MGL ch. 40A, s. 11, the BOARD will give notice of the time and place of the public hearing and its subject matter, sufficient for identification, as follows:

- 5.1.1 By publication of the notice in a newspaper of general circulation in the Town of Acton once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the public hearing. The newspaper will send the bill for the advertisement directly to the Applicant and the Applicant shall pay the bill directly to the newspaper.
- 5.1.2 By posting the notice in a conspicuous place in the Acton Town Hall or on the official Town of Acton website for a period of not less than fourteen days before the day of the public hearing.
- 5.1.3 By mailing the notice certified mail to all PARTIES IN INTEREST.
  - 5.1.3.1 At least 21 days before the day of the public hearing, the APPLICANT shall submit to the Planning Department the certified mail letters containing the notice, addressed to each PARTY IN INTEREST, sender shown as the Town of Acton Planning Board, 472 Main Street, Acton, MA 01720. The envelopes are to be sealed, ready to be mailed, accompanied by one copy of the notice for the BOARD record, and payment to the Town of Acton for the cost of the certified mailings. In addition, submit a duplicate set of empty, open envelopes, standard postage prepaid, addressed to each PARTY IN INTEREST, sender as above, for the mailing of the decision notice.

#### **5.2 Public Hearing Presentation**

An APPLICANT may appear on his/her/its own behalf or be represented by an agent or attorney. It is the responsibility of the APPLICANT or his/her/its agent to present the APPLICATION to the BOARD and to the public. In the absence of an appearance, the BOARD may decide the matter using the information it has received. Failure to appear at a public hearing could seriously jeopardize the success of an APPLICATION.

- 5.2.1 Presentation of the APPLICATION by the APPLICANT should not exceed 10 minutes in duration except for good reason. The APPLICANT may be requested to answer questions raised by the BOARD or the public. The BOARD will retain any evidence which has been introduced at the hearing for reference in its deliberations on the case.
- 5.2.2 In no case will the BOARD allow new evidence to be admitted after the close of the public hearing unless this evidence was specifically requested by the BOARD prior to the close of the public hearing.

#### **5.3 Withdrawal of APPLICATION**

Any APPLICATION for a PERMIT submitted hereunder may be withdrawn without prejudice by notice in writing to the BOARD prior to the notice of a public hearing being posted or mailed pursuant to Sect. 5.1 above. Withdrawal of any APPLICATION thereafter requires BOARD approval. No refund of fees will be provided if an APPLICATION is withdrawn.

#### **5.4 Time Period for Deliberation**

The BOARD will act on each APPLICATION for a PERMIT within ninety (90) days after the public hearing, unless such APPLICATION has been withdrawn from consideration as set forth in Section 5.3 above.

- 5.4.1 Continuation & Extension - The period within which final action shall be taken may be extended for a defined period by written agreement between the BOARD and the APPLICANT. In the event that the BOARD determines that the APPLICATION is inadequate for the BOARD to make a finding, the BOARD may, at its discretion, continue the hearing to a later date to permit the APPLICANT to submit a revised APPLICATION. The BOARD may, at its discretion, require that an additional \$500 fee be paid by the APPLICANT prior to the close of the public hearing if such a continuation results from a deficiency in the original APPLICATION. Such a continuation shall not automatically extend the 90-day period within which final action shall be taken by the BOARD unless the extension is agreed upon by both the BOARD and the APPLICANT.

#### **5.5 DECISION**

The concurring vote of five (5) of the seven (7) members of the BOARD shall be necessary to decide in favor of granting a PERMIT. Only those members of the BOARD who were in attendance at the public hearing may vote on the APPLICATION in question.

- 5.5.1 The BOARD will file its DECISION with the Town Clerk and send a copy to the APPLICANT by certified mail. The BOARD shall also send a notice of its DECISION to the property owner, to other TOWN boards and departments, to PARTIES IN INTEREST, and to those who have requested such notice at the public hearing.

#### **5.6 Recording of DECISION**

The recording of a DECISION is required by THE ZONING ACT and the BYLAW. The APPLICANT shall be responsible for recording a full copy of the DECISION in the Middlesex South District Registry of Deeds in Cambridge or the Land Court and for paying any required recording fees. A copy of the recorded DECISION, certified by the Registry of Deeds, must be submitted to the BOARD and the Zoning Enforcement Officer prior to issuance of a BUILDING Permit or the start of any work.

#### **5.7 Submission of Approved Plans, Endorsement**

Prior to the issuance of a BUILDING permit, the approved plan as amended by the BOARD in its DECISION of approval shall be submitted for endorsement to the office of the BOARD in electronic PDF and scalable CADD formats and registered to the Massachusetts State Plane Coordinate System, plus 1 full size plan printed on 24" x 36" sheets. No BUILDING Permit will be issued until the plan is found to be in compliance with the BOARD'S DECISION and such endorsement has occurred.

#### **5.8 Appeal of DECISION**

Any person aggrieved by a DECISION of the BOARD, whether or not previously a party to the proceeding, may appeal such DECISION in accordance with MGL, Chapter 40A, Section 17 within 20 days after the filing of the DECISION with the Office of the Town Clerk.

#### **5.9 Time Limit for PERMIT**

Any PERMIT granted by the BOARD shall lapse within two years from the date of filing of the BOARD'S DECISION with the Office of the Town Clerk unless substantial use or

construction under the PERMIT has begun, except for good cause, or if the BOARD has specified a shorter time period in the DECISION.

- 5.9.1 A reasonable extension of said time may be granted by the BOARD where good cause is shown. Any request for an extension of the specified time limitation set forth in the DECISION shall be made in writing to the BOARD at least thirty days prior to the expiration date. The BOARD reserves its rights to grant or to deny such extension if good cause for such extension is not shown. Failure to submit such a request as prescribed above shall be due cause for the BOARD to deny the requested time extension.

## **5.10 As Built Plan**

Upon project completion, the APPLICANT shall provide two copies of the As Built Plan, plus electronic copies in PDF and scalable CADD formats, registered to the Massachusetts State Plane Coordinate System. The As Built Plan shall show:

- 5.10.1 The entire SENIOR RESIDENCE including but not limited to the drainage, irrigation, and wastewater disposal systems; final grading and limits of clearing; all driveways; parking LOTS; public and private utilities (above and below grade); and BUILDINGS and STRUCTURES as they exist.
- 5.10.2 The main ACCESS driveways “as built,” at a scale of 40 feet to the inch at size 24” x 36”. The plan shall show a centerline profile (4 feet per inch on the vertical scale and 40 feet per inch on the horizontal scale) taken at 50 foot intervals along the main ACCESS driveways (25 foot intervals at vertical curves) as it has been completed.
- 5.10.3 The monuments (main ACCESS driveway bounds) with the dates they were set and the traverse and fixed points on the SENIOR RESIDENCE perimeter used to establish the bound locations, all with bearings, distances or coordinate values sufficient to re-establish these points.
- 5.10.4 All elevations shall refer to the National Geodetic Vertical Datum (NGVD) of 1929.

## **5.11 Limitation of the DECISION**

The granting of a PERMIT constitutes approval only under the pertinent sections of the BYLAW. Other permits or approvals required by other governmental boards, agencies, or bodies having jurisdiction such as the Board of Health, Acton Water District, and Conservation Commission shall not be assumed or implied. The BOARD may condition any PERMIT hereunder on satisfactory demonstration of compliance with the requirements of other governmental bodies having jurisdiction prior to the start of any work on the site, the issuance of a BUILDING Permit, or any other appropriate step in the development process. The APPLICANT is hereby encouraged to seek approvals and certificates of compliance from such other governmental bodies prior to or concurrently with the APPLICATION to the BOARD.

## **5.12 Repetitive Petition**

Pursuant to MGL, Chapter 40, Sect. 16, no APPLICATION which has been unfavorably and finally acted upon by the BOARD shall be acted favorably upon within two years after the date of final unfavorable action unless four members of the BOARD vote to find that specific and material changes in the conditions upon which the previous unfavorable action was based have occurred and describe such changes in the records of the BOARD’S proceedings, and all but one member of the BOARD consents to the consideration of the matter. Notice to PARTIES IN INTEREST shall be given by the APPLICANT of the time and place of the proceedings at which the question of consent will be considered.



### **5.13 Amending a SENIOR RESIDENCE Special PERMIT**

A previously granted PERMIT may be amended by written request to the BOARD or on the BOARD'S own motion. The BOARD shall determine whether any request for further alterations to a site constitutes a minor amendment or if such request should be considered a new APPLICATION requiring a public hearing.

The BOARD may amend a PERMIT without a new public hearing provided it finds that the amendment is not significant to the public interest and is consistent with the purpose and intent of the BYLAW. Consultation with the Planning Department is recommended prior to the filing of any request to amend a PERMIT. The fee for minor amendments shall be \$250.

## **APPENDIX**

Application for a SENIOR RESIDENCE Special PERMIT

Notice of Public Hearing

Development Impact Report (Form DIR)

**Forms pertinent to affordable units:**

Use all pertinent Department of Housing and Communities and Development (DHCD) forms as generally used for Comprehensive Permit Applications under the Local Initiative Program.

**APPLICATION for a  
SENIOR RESIDENCE SPECIAL PERMIT**

Refer to the "Rules and Regulations for Senior Residence Special Permits" available from the Planning Department for details on the information and fees required for this application. Contact the Planning Department at 978-929-6631 with any questions concerning the Rules. Incomplete applications may be denied.

Please type or print your application.

1. Location and Street Address of Site \_\_\_\_\_

Name of Proposed Development \_\_\_\_\_

2. Applicant's Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_ E-Mail \_\_\_\_\_

3. Record Owner's Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_ E-Mail \_\_\_\_\_

4. Zoning District(s) of Parcel(s) \_\_\_\_\_

Town Atlas Map(s)/ Parcel Number(s) \_\_\_\_\_

5. a) Total Area of Development \_\_\_\_\_ ac. b) Number of Dwelling Units Proposed \_\_\_\_\_

c) Number of Affordable Units \_\_\_\_\_

d) Number of Accessible or Adaptable Dwelling Units for Persons with Disabilities \_\_\_\_\_

Number of Affordable Accessible or Adaptable Units \_\_\_\_\_

e) Total Area of Common Land \_\_\_\_\_ ac. f) Percent Common Land \_\_\_\_\_

g) Total Length of Road(s) in feet: Public \_\_\_\_\_ Private \_\_\_\_\_

h) Number of Parking Spaces: Total \_\_\_\_\_ Per Unit \_\_\_\_\_

i) Method of Sewage Disposal \_\_\_\_\_

6. Deed Book & Page Number(s) or Land Court Certificate Number(s) \_\_\_\_\_

7. Attach draft legal documents that restrict occupancy of the dwelling units to seniors.

8. Attach draft legal documents that secure dwelling units as affordable.

9. Attach a schedule showing the completion of market rate and affordable dwelling units.

The undersigned hereby apply to the Planning Board for a public hearing and Senior Residence Special Permit under the Bylaw.

The undersigned hereby certify that the information on this application and plans submitted herewith is correct, and that the application complies with all applicable provisions of Statutes, Regulations, and Bylaws to the best of his/her knowledge. The above is subscribed to and executed by the undersigned under the penalties of perjury in accordance with Section 1-A of Chapter 268, General Laws of the Commonwealth of Massachusetts.

\_\_\_\_\_  
Signature of Petitioner(s)

\_\_\_\_\_  
Signature of Petitioner(s)

\_\_\_\_\_  
Date

RECORD OWNER'S KNOWLEDGE AND CONSENT

I hereby assert that I have knowledge of and give my consent to the application presented above.

\_\_\_\_\_  
Signature of Record Owner(s)

\_\_\_\_\_  
Signature of Record Owner(s)

\_\_\_\_\_  
Date

**ACTON PLANNING BOARD**

**NOTICE OF PUBLIC HEARING**

In accordance with the provisions of Massachusetts General Laws, Chapter 40A, Section 9, the Acton Planning Board will hold a public hearing on \_\_\_\_\_ at \_\_\_\_\_ P.M., at \_\_\_\_\_, Acton, MA on the petition of \_\_\_\_\_ for approval of a Senior Residence Special Permit for the parcel located at \_\_\_\_\_ and shown on Town Atlas Map \_\_\_\_\_, parcel \_\_\_\_\_.

Please note the following information:

Such permits may be granted by the Planning Board under Massachusetts General Law, Chapter 40A and the Acton Zoning Bylaw both of which are available for review or purchase at the offices of the Planning Board, and the Town Clerk. A copy of the application is also available for review at these offices in Town Hall between 8:00 AM and 5:00 PM, Monday through Friday.

The applicant or his/her representative will be at the hearing to present the reason(s) why the permit should be granted.

When the applicant or his/her representative has concluded their presentation, the Chairman of the Board will allow the Board members to speak to the matter under consideration or to raise questions and concerns. Subsequently, the Chairman will give the public the same opportunity to speak to the matter under consideration or to raise questions and concerns.

The Chairman will not allow any member of the public to interrupt anyone else while they are speaking. Each person wishing to speak at the hearing should be as brief as possible and should wait his/her turn. Each person speaking should avoid repeating the comments of those who preceded them. Each person speaking should state their name and address before they make their statement or ask questions.

Any party may appear in person, by agent, or by attorney at any hearing. When all of the facts have been presented and all persons wishing to speak on the petition have been heard, the Chairman will close the hearing. In no case will the Board allow new evidence to be admitted after the close of the public hearing unless this evidence was requested by the Board prior to the close of the public hearing.

## **FORM DIR**

### **DEVELOPMENT IMPACT REPORT**

The Development Impact Report (DIR) is intended to serve as a guide to the applicant in formulating the development proposal, as well as a guide to the Planning Board in its evaluation of the proposed development in the context of existing conditions and planning efforts by the Town. The DIR should be prepared as early in the development process as possible, even if certain aspects are unknown at that time. It is recommended that the various aspects of the DIR, together with a conceptual development plan, are discussed with the Planning Department staff as soon as possible, prior to the filing of an application for approval of a preliminary plan.

The DIR seeks to raise the broad range of issues generally associated with development plans in a form and in a language that is understandable to a layperson. It assesses development impacts which could possibly be avoided or mitigated if recognized early in the development process. Other portions of the DIR request information which will help the Town plan ahead and ensure adequate services in the future. It is the hope of the Planning Board that the use of the DIR, along with early consultations with the Planning Department staff and the applicant's continuing cooperation throughout the development process, will foster a development of excellent quality and design sensitive to Acton's natural and historic heritage and other community concerns.

The DIR shall be filed with an application for approval of a preliminary and a definitive subdivision plan. The DIR shall clearly and methodically assess the relationship of the proposed development to the natural, physical, and social environment. In preparing the DIR, professionals of the respective fields shall be consulted and a systematic, interdisciplinary approach shall be utilized which will ensure the integrated use of the natural and social sciences and the environmental design arts in planning, designing and engineering of the proposed project.

## DEVELOPMENT IMPACT REPORT

Please type or print information in blanks below.

1. Name of Proposed Subdivision \_\_\_\_\_
2. Location \_\_\_\_\_
3. Name of Applicant(s) \_\_\_\_\_
4. Brief Description of the Proposed Project \_\_\_\_\_
5. Name of Individual Preparing this DIR \_\_\_\_\_  
Address \_\_\_\_\_ Business Phone \_\_\_\_\_  
\_\_\_\_\_
6. Professional Credentials \_\_\_\_\_  
\_\_\_\_\_

### **A. Site Description**

7. Present permitted and actual land uses by percentage of the site.

<b><i>Uses</i></b>	<b><i>Percentage</i></b>
Industrial	
Commercial	
Residential	
Forest	
Agricultural	
Other (specify)	

8. Total acreage on the site: \_\_\_\_\_ acres.

<b><i>Approximate Acreage</i></b>	<b><i>At Present</i></b>	<b><i>After Completion</i></b>
Meadow or Brushland (non agriculture)		
Forested		
Agricultural (includes orchards, cropland, pasture)		
Wetland		
Water Surface Area		
Flood Plain		
Unvegetated (rock, earth, or fill)		
Roads, buildings and other impervious surfaces		
Other (indicate type)		

9. List the zoning districts in which the site is located and indicate the percentage of the site in each district. *Note: be sure to include overlay zoning districts.*

<b>District</b>	<b>Percentage</b>

10. Predominant soil type(s) on the site: \_\_\_\_\_

Soil drainage (Use the US Soil Conservation Service's definition)

<b>Soil Type</b>	<b>% of the Site</b>
Well drained	
Moderately well drained	
Poorly drained	

11. Are there bedrock outcroppings on the site? \_\_\_\_ yes \_\_\_\_ no

12. Approximate percentage of proposed site with slopes between:

<b>Slope</b>	<b>% of the Site</b>
0 - 10%	
10 - 15%	
greater than 15%	

13. In which of the Groundwater Protection Districts in the site located? How close is the site to a public well? Zone(s) \_\_\_\_\_ Proximity to a public well: \_\_\_\_\_ feet

14. Does the project site contain any species of plant or animal life that is identified as rare or endangered? (Consult with the Massachusetts National Heritage Program and the Acton Natural Resources Director). \_\_\_\_ yes \_\_\_\_ no

If yes, specify: \_\_\_\_\_

15. Are there any unusual or unique features on the site such as trees larger than 30 inches D.B.H., bogs, kettle ponds, eskers, drumlins, quarries, distinctive rock formation or granite bridges? \_\_\_\_ yes \_\_\_\_ no

If yes, specify: \_\_\_\_\_

16. Are there any established foot paths running through the site or railroad right of ways?

\_\_\_\_ yes \_\_\_\_ no If yes, specify: \_\_\_\_\_

17. Is the site presently used by the community or neighborhood as an open space or recreation area?        ☐ yes        ☐ no

Is the site adjacent to conservation land or a recreation area?   ☐ yes        ☐ no

If yes, specify: \_\_\_\_\_

\_\_\_\_\_

18. Does the site include scenic views or will the proposed development cause any scenic vistas to be obstructed from view?        ☐ yes        ☐ no

If yes, specify: \_\_\_\_\_

\_\_\_\_\_

19. Are there wetlands, lakes, ponds, streams, or rivers within or contiguous to the site?  
      ☐ yes        ☐ no

If yes, specify: \_\_\_\_\_

\_\_\_\_\_

20. Is there any farmland or forest land on the site protected under Chapter 61A or 61B of the Massachusetts General Laws?        ☐ yes        ☐ no

If yes, specify: \_\_\_\_\_

\_\_\_\_\_

21. Has the site ever been used for the disposal of hazardous waste? Has a 21E Study been conducted for the site?        ☐ yes        ☐ no

If yes, specify results: \_\_\_\_\_

\_\_\_\_\_

22. Will the proposed activity require use and/or storage of hazardous materials, or generation of hazardous waste?        ☐ yes        ☐ no

If yes, specify: \_\_\_\_\_

\_\_\_\_\_

23. Does the project contain any buildings or sites of historic or archaeological significance? (Consult with the Acton Historic Commission or the Action Historical Society.)  
      ☐ yes        ☐ no

If yes, please describe \_\_\_\_\_

24. Is the project contiguous to or does it contain a building in a local historic district or national register district?        ☐ yes        ☐ no



25. Is the project contiguous to any section of the Isaac Davis Trail?  
\_\_\_ yes \_\_\_ no If yes, please describe \_\_\_\_\_

**B. Circulation System**

26. What is the average weekday traffic and peak hour traffic volumes generated by the proposed subdivision?

Average weekday traffic	
Average peak hour volumes morning	
Average peak hour volumes evening	

27. Existing street(s) providing access to proposed subdivision:

Name \_\_\_\_\_ Town Classification \_\_\_\_\_

28. Existing intersection(s): list intersections located within 1000 feet of any access to the proposed development:

Name of ways \_\_\_\_\_

29. Location of existing sidewalks within 1000 feet of the proposed site? \_\_\_\_\_

30. Location of proposed sidewalks and their connection to existing sidewalks:

31. Are there parcels of undeveloped land adjacent to the proposed site? \_\_\_ yes \_\_\_ no

Will access to these undeveloped parcels be provided within the proposed site?

\_\_\_ yes \_\_\_ no If yes, please describe \_\_\_\_\_

If no, please explain why: \_\_\_\_\_

**C. Utilities and Municipal Services**

32. If dwelling units are to be constructed, what is the total number of bedrooms proposed? \_\_\_\_\_

33. If the proposed use of the site is nonresidential, what will the site be specifically used for and how many feet of gross floor area will be constructed? \_\_\_\_\_

34. Storm Drainage

- a. Describe nature, location and surface water body receiving current surface water of the site: \_\_\_\_\_

- b. Describe the proposed storm drainage system and how it will be altered by the proposed development: \_\_\_\_\_

- 
- c. Will a NPDS Permit be required?      \_\_\_\_ yes      \_\_\_\_ no
35. In the event of fire, estimate the response time of the fire department (consult with Fire Dept.)  
\_\_\_\_\_
36. Schools (if residential)
- a. Projected number of new school age children: \_\_\_\_\_
  - b. Distance to nearest school: \_\_\_\_\_

#### **E. Measures to Mitigate Impacts**

Attach brief descriptions of the measures that will be taken to:

- 37. Prevent surface water contamination.
- 38. Prevent groundwater contamination.
- 39. Maximize groundwater recharge.
- 40. Prevent erosion and sedimentation.
- 41. Maintain slope stability.
- 42. Design the project to conserve energy.
- 43. Preserve wildlife habitat.
- 44. Preserve wetlands.
- 45. Ensure compatibility with the surrounding land uses.
- 46. Control peak runoff from the site so that the post-development rate of runoff will be no greater than the predevelopment rate of runoff for the 10-year storm event.
- 47. Preserve historically significant structure and features on the site.
- 48. To mitigate the impact of the traffic generated by the development.

Please use layman's terms where possible while still being accurate and comprehensive. Where appropriate, graphics shall be used. List sources of data, reference materials, and methodology used to determine all conclusions. Use additional sheets as necessary.